

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Can't Afford Appellate Costs?

In this video, we will talk about costs and fees you will be charged if you appeal your case and how to ask the courts to waive those costs and fees. First, we'll talk about the two types of appellate costs, and then we'll go into how you can ask the court to waive them. Finally, we will address transcript costs.

This video does not talk about fee waivers in the trial courts. If you have a new case, and not an appeal, please view the video titled, "Can't Afford to Pay Court Filing Fees?"

[STEPS: Types of appellate costs]

First, let's talk about the two different types of appellate costs.

If you choose to appeal your case and believe you cannot afford to pay the costs of filing an appeal, you can ask the court to waive the usual requirement that you pay these costs up front. Two types of appellate costs are usually paid up front. The first cost covers assembling the record for an appeal. Among other things, that fee includes the cost to the lower court of preparing a transcript of your earlier hearing or hearings. The second cost is the filing fee charged by the appellate court.

[STEPS: How to waive appellate costs.]

How can I ask the court to waive the appellate fees?

First, you must complete two forms – one for each type of appellate cost. The first form is the Request for Waiver of Prepaid Costs for Assembling the Record for an Appeal (Form CC-DC-091). The second form is the Request for Waiver of Prepaid Appellate Costs (Form CC-DC-092). Submit BOTH of these documents to the trial court – the court that heard your original case -- when you file your appeal. The trial court has five days to decide the first request to waive the costs for assembling the record. Then, the trial court will send its decision, along with the second waiver request, to the court hearing the appeal. That higher court has five days to make the decision on the second request about filing fees. Once the judge has ruled on your request, the court will send you copies of both orders.

Both appellate costs will be waived automatically if you are represented by an approved legal services provider, including Maryland Legal Aid and the Office of the Public Defender. Your attorney must certify that there are good grounds to support your appeal, and that you are still eligible for their representation.

If you do not have a lawyer or if your lawyer is not an approved provider, your request to waive prepaid appellate costs will be decided by a judge. If your request is denied, in whole or in part, you must pay the unwaived portion of the costs within 10 days of the date the order was issued. If you do not pay the unwaived costs, your appeal will be withdrawn and the court will take no action.

[STEPS: Transcript costs]

Finally, a word about transcript costs.

When you file an appeal, in many instances you must pay for transcripts of the trial to be typed. They can be expensive. The forms permit you to request a waiver of the cost of preparing

a transcript in the District Court ONLY. If your original case was heard in Circuit Court, the court CANNOT waive the transcript costs. You will need to pay for the cost of preparing a transcript, if required, in order for your case to proceed.

Remember, when filing an appeal, if you believe that you cannot afford to pay the appeal costs, you must complete two forms, CC-DC-091 and CC-DC-092. File both forms with the trial court where your case was originally heard. The court will notify you after a judge has ruled on those requests.

This has been a production of the Access to Justice Department of the Administrative Office of the Courts. For more information, visit www.mdcourts.gov.